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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/223,870 12/31/98 LOSEE

J 12434

EXAMINER

QM11/0318

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SKINNER S
ART UNIT PAPER NUMBER

3723

DATE MAILED:

03/18/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Tradem

Office Action Summary

Application No.

09/223,870

Applicant(s)

Losee

Examiner

Sinclair Skinner

Group Art Unit

3723

☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-5 _____ is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5 _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3723

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. "... sizes" (claims 2 and 3, line 1 of each) is unclear in disclosing the size of sockets.

- b. "... sockets are sized for different auto and truck tires." (claim 5, line 16) is unclear in disclosing the size of sockets.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Crimp.

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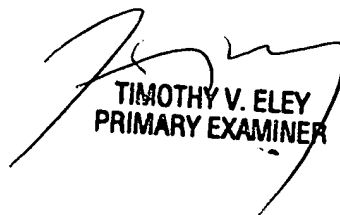
Crimp discloses multiple socket tool having a body with a hex-shaped interior (fig. 6), a square aperture (fig. 2), a first and second end pin, a first end smaller diameter hex-shaped socket having a slot within the first end (fig. 9), a spring biasing the smaller diameter hex-shaped socket (fig. 3), a second end smaller diameter hex-shaped socket having a slot within the second end, and a large spring biasing the second end smaller diameter hex-shaped socket (fig. 8).

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nogues, Mathers and Crimp show a device.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sinclair Skinner whose telephone number is (703) 305-0602.

ss

March 15, 1999


TIMOTHY V. ELEY
PRIMARY EXAMINER